

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 23, 2002

D041329 Shaffer v. Superior Court of San Diego County/Wachob et al.

The petition is denied.

D038310 In re the Marriage of Mazur

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

D037598 People v. Ordaz

Judgment affirmed. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D039168 Wallis v. Giromex, Inc., et al.

Judgment affirmed. Wallis to bear defendants' costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D041254 Barker v. Superior Court of San Diego County/People

The petition is denied.

D041282 Bank of America NT&SA v. Superior Court of San Diego County/Sandoval et al.

The petition is denied.

D040935 In re Ordaz on Habeas Corpus

The petition is denied.

D038525 People v. Manuel G.

The opinion filed November 26, 2002, is ordered certified for publication.

D037565 People v. Cervantes

It is ordered that the opinion filed December 4, 2002, is modified. There is no change in judgment.

D038515 People v. Jacques

D039271 In re Jacques on Habeas Corpus

(Consolidated) The judgment is affirmed. The petition is denied. O'Rourke, J.:

We Concur: Kremer, P.J., McIntyre, J.

D041250 Melody P., et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner William F. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to William F. is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 24, 2002

D041109 Williams et al. v. Superior Court of San Diego County/Esperanza Universal et al.
The petition is denied.

D041220 In re Gordel T. et al on Habeas Corpus
The petition is denied as moot.

D040526 Daniel M. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The petitions are denied. Haller, J.; We Concur: Kremer, P.J., McDonald, J.

D039770 People v. Balderree
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D041276 Kaiser Foundation Health Plan, Inc., et al. v. Wilner
Melvin Wilner's appeal from the denial of his motion to revoke the Medicare election agreement is dismissed. The notice of appeal indicates, on page four, that the ruling appealed from was orally made by the court but never filed in writing. An oral ruling on a motion does not become effective until it is filed in writing with the clerk or entered in the court's minutes. (Code of Civil Procedure section 1003; *In re Marriage of Drake* (1997) 53 Cal.App.4th 1139, 1170; *Jabon v. Henneberger* (1949) 33 Cal.2d 773, 775.) Accordingly, there is presently no effective order on the purported motion to revoke the Medicare election agreement subject to review by this court. Further, Code of Civil Procedure section 1294 limits the types of orders that can be appealed in connection with contractual arbitration. The purported order denying the motion to revoke the Medicare election or arbitration agreement does not fall within the purview Code of Civil Procedure section 1294. The Court by this order expresses no view as to whether the issues raised in appellant's notice of appeal could be appropriately raised in a proceeding other than the instant processing to select a neutral arbitrator.

D039852 Fan v. Lee et al.
The appeal is dismissed pursuant to rule 17(a).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 26, 2002

D038694 Bread Company of La Jolla, Inc. et al. v. Wall Street Partners, L.P., et al.
The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 27, 2002

D041354 Metabolife International v. Superior Court of the County of San Diego/Losacco

At the request of petitioner, the petition for writ of mandate is dismissed.

**D041066 The Hartford Insurance Company v. Workers' Compensation Appeals Board and
McGilchrist**

The petition is denied.